

## EXHIBIT 1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

ETHAN BROOKS HARTER	§	
v.	§	Civil Action 4:16-CV-100
REALPAGE, Inc.	§	Judge Mazzant

PLAINTIFF'S DECLARATION IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT

My name is Ethan Brooks Harter. I am above the age of 18. All facts stated herein are within my personal knowledge and are true and correct.

I am the Plaintiff in this suit. In May, 2015, I was graduated from the University of North Carolina at Chapel Hill. At that time, I had been admitted to several law schools, including the University of Denver. I decided to enroll in the University of Denver for the term beginning August, 2015.

My father and I travelled to Denver on the weekend of July 11<sup>th</sup>, 2015, to find an apartment for my first semester at the University of Denver's Sturm College of Law. After a day of searching for a new home, I decided to apply for residency at Legends Oaks Apartments on

July 11<sup>th</sup>, 2015. I gave my consent to Legends Oaks to order a screening of my credit and criminal history. The application asked whether I had been charged with, arrested for or convicted of a crime involving sex, drugs or violence. To this I answered “No”, because I have no criminal history whatsoever, although I have received a few citations for traffic offenses as are detailed in the Defendant’s Motion. Later that day, I was distraught to hear back from Legends Oaks when they informed me that my criminal background check came up positive, indicating, falsely, that I was a criminal convicted of a heinous crime. My non-refundable application fee of \$150.00 was forfeited to Legends Oaks. Upon being denied an apartment based upon this false report I called Defendant to dispute their report. No corrective action was taken over the phone with RealPage, Inc. over my erroneous criminal background report.

The false report made be extremely upset. I was sick to my stomach and unable to sleep that night. I was worried about finding housing in Denver and concerned about how this would affect my ability to begin law school. Nevertheless, my search for housing continued the next morning. This was my last opportunity since we were flying out of Denver the next afternoon. After visiting and touring Helios Apartments, I decided to apply for residency and paid the application fee of \$150.00. Again, I consented to have my criminal history screening reported. Again, it returned positive – indicating to my potential lessors that I was a criminal. For a second time, we called RealPage, Inc. to complain. After refusing to act with urgency to try to correct my criminal record, I fell ill. The thought of wasting hundreds of dollars in application fees put me into a violent state of distress. I suffered severe stomach pains and nausea from the stress and anxiety of not being able to find a home because of my false reputation as a criminal.

On the morning of July 13<sup>th</sup>, we returned to Helios before our flight out of Denver to try once more to get RealPage, Inc. to correct their error. We called from the office of the apartment

manager at Helios. We called at about 8:00 a.m. A person answered the phone, and said that they would be happy to research my dispute, and that they would be able to have this done in the next 3-5 days. I got very upset because I did not have this amount of time. Finally, the person put a “manager on the phone” Finally, at about noon, they reported to the apartment manager that the reference on my report was to a traffic citation, not a crime involving sex, drugs or violence. At this point Helios was happy to enter into a lease with me. I moved into my apartment the next month, and have been there since.

The foregoing Declaration is made under penalty of perjury. The facts stated hereinabove are true and correct

/s/ Ethan Brooks Harter  
Ethan Brooks Harter